



U.S. PROBATION & PRETRIAL SERVICES
Middle District of Tennessee

memorandum

Date: April 25, 2023
From: Douglas Murphy
U.S. Probation Officer
Subject: Josiah Ernesto Garcia
Docket No.: 3:23-mj-02033-1
To: Honorable Waverly D. Crenshaw, Jr.
Chief U.S. District Judge

Status Report

On April 13, 2023, the defendant, Josiah Ernesto Garcia, appeared before U.S. Magistrate Judge Jeffery S. Frensley for an initial appearance as result of being charged with 18 U.S.C § 1958 – Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire. The Government filed a motion for pretrial detention, and the defendant was temporarily detained.

On April 19, 2023, the defendant appeared before U.S. Magistrate Judge Jeffery S. Frensley for a detention hearing, and the Court ordered the defendant to be released to pretrial supervision with various conditions. Subsequently, the Government filed an emergency motion to stay the release order.

On April 20, 2023, the defendant appeared before Your Honor for a hearing on the Government's motion to stay the release order. The Court lifted the Stay of Release entered by U.S. Magistrate Judge Frensley, and ordered the defendant to be released from the custody of the U.S. Marshal Service pending the next hearing on Wednesday, April 26, 2023, at 1:30 p.m. In addition, the Court imposed pretrial supervision with additional conditions of release.

While on pretrial supervision, the defendant has remained in contact with his assigned pretrial officer in the Middle District of Tennessee (MD/TN), in conjunction with pretrial officers in the Southern District of Ohio (SD/OH). The aforementioned contacts are as described below:

On April 21, 2023, a pretrial services officer in the SD/OH conducted a home assessment at the defendant's sister's residence. The defendant and his sister, Heather Diaz, were present. His sister reported that she resides in the home with her husband and children. No weapons were reported in the home. A walkthrough was conducted, and no contraband was observed in plain view. In addition, on that date, pretrial services in the MD/TN conducted a telephonic contact with the defendant and his sister and reviewed the conditions of release. They reported they understood the defendant's conditions of release and denied any noncompliance.

On April 22, 2023 and April 23, 2023, pretrial services in the MD/TN telephonically contacted the defendant and his sister. On both dates, the defendant's sister denied any known noncompliance issues with the defendant, and the defendant denied any noncompliance.

On April 24, 2023 and April 25, 2023, a pretrial officer in the SD/OH conducted a virtual home contact with the defendant and his sister. In addition, pretrial services in the MD/TN conducted a telephonic contact with the defendant and his sister. The defendant's sister denied any known noncompliance with the defendant, and the defendant denied any noncompliance.

Pretrial Services has compiled this memorandum to update the Court on the defendant's current supervision status while on pretrial release. If the Court orders the defendant to remain on pretrial supervision, Pretrial Services respectfully recommends the following conditions of release noted below. Of note, Pretrial Services has conferred with the pretrial office in the Southern District of Ohio, and the office is able to continue to assist with courtesy supervision.

- A. Defendant must be placed in the third-party custody of Heather Diaz and must continue to reside with her
- B. Defendant must report to Pretrial Services as directed
- C. Defendant may obtain employment (daytime hours) as preapproved by Pretrial Services
- D. Defendant must not obtain a passport or other international travel document
- E. Defendant must have no contact with any witness or co-defendant in this case, either directly or indirectly
- F. Defendant must not travel outside of the Southern District of Ohio without prior approval of Pretrial Services. Defendant may travel to the Middle District of Tennessee for court obligation and attorney meetings with prior notification to Pretrial Services
- G. Defendant must refrain from possessing any firearm, ammunition, destructive device, or other dangerous weapons
- H. Defendant must refrain from excessive use of alcohol
- I. Defendant must refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a medical practitioner
- J. Defendant must submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing
- K. Defendant must participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer
- L. Defendant must get medical or psychiatric treatment if directed by the pretrial services office or supervising officer
- M. Defendant must pay all or part of the costs of the treatment based on his/her ability to pay, as determined by Pretrial Services, or has appropriate insurance coverage to pay for such treatment
- N. Defendant must report as soon as possible, within 48 hours, to the supervising officer, any contact with any law enforcement personnel, including, but not limited to any arrest, questioning, or traffic stop
- O. Defendant must permit pretrial services officers to visit at any time at his/her home or elsewhere without advance notification; Defendant also shall permit confiscation of any contraband observed in plain view of the pretrial services officer(s) or supervising officer
- P. Defendant must participate in home detention and comply with its requirements as directed. The defendant is restricted to their residence at all times except for employment; education; religious

services; medical; substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the Pretrial Services Office or supervising officer

- Q. Defendant must submit to global positioning system (GPS) location monitoring as directed by the Pretrial Services Office or supervising officer and comply with all of the program requirements and instructions provided. The defendant shall pay all or part of the cost of the program based on their ability to pay as determined by the Pretrial Services Office or supervising officer
- R. The defendant shall not possess or use a computer or any device with access to any "on-line computer service" at any location (including place of employment) without the prior written approval of the Pretrial Services Office. This includes any Internet service provider, bulletin board system, or any other public or private network or email system
- S. If preapproved by Pretrial Services to access internet capable devices, the defendant must comply with the requirements of Computer and Internet Monitoring Program as administered by the Pretrial Services Office. The defendant shall consent to the installation of computer monitoring software on all identified computers to which the defendant has access. The software may restrict and/or record any and all activity on the computer, including the capture of keystrokes, application information, internet use history, email correspondence, and chat conversations. A notice will be placed on the computer at the time of installation to warn others of the existence of the monitoring software. The defendant shall not remove, tamper with, reverse engineer, or in any way circumvent the software. The defendant shall pay all or part of the cost of the program based on their ability to pay as determined by the Pretrial Services Office or supervising officer

Approved:



Andrea M. Testa
Supervisory U.S. Probation Officer

Cc: AUSA Brooke K. Schiferle
AFPD David Kentrell Fletcher